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Filed : 14-Feb-2002

### REMARKS

In the Office Action, Claims 55-69 were rejected over the prior art as discussed below. In this Amendment, Claims 55, 57, 58, 61, 62, 67, and 68 have been amended and Claims 70-80 have been added.

#### Personal Interview

Applicant thanks Examiner Bockelman for the courteous and helpful personal interview conducted on June 24, 2008 (summarized above). Applicant notes that two references not previously of record were discussed at the interview, i.e., US Patent No. 2,356,659 issued to Aguiar and US Patent No. 4,769,006 issued to Papantonakas. These references are not believed to preclude allowance of the pending claims.

#### Rejections Under 35 U.S.C. § 102

Claims 55-62, 64-65, and 67-69 were rejected in the Office Action under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,059,760 issued to Sandmore (Sandmore). Applicant disagrees with the rejection. For example, the Examiner refers to Figure 13 of this application as being the subject matter claimed. Applicant notes that the application includes further disclosure relevant to the pending claims. See, e.g., Figure 8 and related description. Also, Applicant believes that the previously pending claims distinguish Sandmore. However, additional amendments have been made to expedite allowance, which amendments are consistent with the discussion at the interview summarized above.

#### **Sandmore Fails to Disclose or Suggest the Claimed Catheter**

Sandmore discloses a catheter having a reverse flow tip. The examiner refers to the embodiment illustrated in Figures 15 and 16, reproduced below.

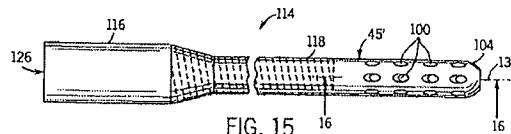


FIG. 15

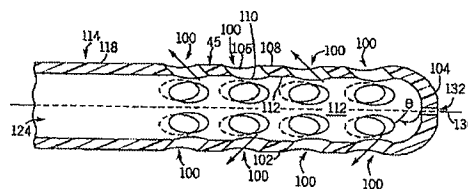


FIG. 16

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These figures are directed to a single lumen embodiment in which the configuration of the fluid outlets 100, which are positioned at an obtuse angle with respect to the cannula tip, causes a reversal of the direction of flow exiting the cannula. See, Sandmore at 8:3-25. Moreover, the end of the inside of the lumen 124 defines a surface having an apex that is on the axis 130.

This configuration does not anticipate or remotely suggest the structure of the present claims. For example, Claim 55 as amended herein recites a catheter for directing the flow of blood through a patient, said catheter comprising:

- a catheter body having a proximal end, a distal end, a first lumen extending along a central longitudinal axis between said distal end and said proximal end adapted to fluidly communicate with the patient; and a second lumen extending between the proximal end and a location proximal of the distal end;

- a redirecting tip positioned at the distal end, the redirecting tip comprising at least one outlet in a side of the first lumen and an internal flow redirecting surface extending from adjacent to the central longitudinal axis of the first lumen to a distal portion of the outlet, the redirecting surface having a curved profile extending between a proximal point adjacent to the central longitudinal axis and a distal point positioned away from the proximal point, the distal point located at an apex that is located between the central longitudinal axis and the outlet, wherein the distal point is not positioned on the longitudinal axis, the redirecting surface being configured to redirect substantially all of the blood flow exiting said first lumen in a direction generally opposite of the direction of flow in the first lumen.

Accordingly, Claim 55 is patentably distinct from Sandmore for at least the reasons noted above. Claims 56-62, 64-65, and 67-69 depend from Claim 55 and recite further novel and nonobvious limitations thereon. Therefore, Claims 56-62, 64-65, and 67-69 are patentably distinct from Sandmore for at least the reasons discussed above with respect to Claim 55.

Claims 63 and 66 were rejected based on Sandmore alone. These claims depend from Claim 55 and are allowable at least for the reasons that Claim 55 is allowable. Applicant requests allowance of Claims 63 and 66.

#### New Claims

New Claims 70-80 have been added. These claims do not recite new matter and further recite the invention. Applicant requests that these claims be allowed as well.

#### Co-Pending Applications of Assignee

Applicant wishes to draw to the Examiner's attention to the following co-pending applications of the present application's assignee.

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Serial Number	Docket No.	Title	Filed
10/743841	<u>FORFLOW.008DV1</u>	MULTILUMEN CATHETER FOR MINIMIZING LIMB ISCHEMIA	12/22/03
11/417509	<u>FORFLOW.008DV3</u>	MULTILUMEN CATHETER FOR MINIMIZING LIMB ISCHEMIA	05/03/06
11/418499	<u>FORFLOW.008DV4</u>	MULTILUMEN CATHETER FOR MINIMIZING LIMB ISCHEMIA	05/03/06
11/417652	<u>FORFLOW.8CP1DV1</u>	MULTILUMEN CATHETER FOR MINIMIZING LIMB ISCHEMIA	05/03/06
11/417662	<u>FORFLOW.8CP1DV2</u>	MULTILUMEN CATHETER FOR MINIMIZING LIMB ISCHEMIA	05/03/06
11/417918	<u>FORFLOW.8CP1DV3</u>	MULTILUMEN CATHETER FOR MINIMIZING LIMB ISCHEMIA	05/03/06
11/418,377	FORFLOW.8CP1DV4	MULTILUMEN CATHETER FOR MINIMIZING LIMB ISCHEMIA	05/03/06
11/417647	<u>FORFLOW.8CP1DV5</u>	MULTILUMEN CATHETER FOR MINIMIZING LIMB ISCHEMIA	05/03/06
11/417937	<u>FORFLOW.8CP1DV6</u>	MULTILUMEN CATHETER FOR MINIMIZING LIMB ISCHEMIA	05/03/06
11/417487	<u>FORFLOW.8CP1DV7</u>	MULTILUMEN CATHETER FOR MINIMIZING LIMB ISCHEMIA	05/03/06
11/418489	<u>FORFLOW.8CP1DV8</u>	MULTILUMEN CATHETER FOR MINIMIZING LIMB ISCHEMIA	05/03/06

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure,

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including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

### CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, issuance of a Notice of Allowance is most earnestly solicited.

Applicant respectfully traverses each of the Examiner's rejections and each of the Examiner's assertions regarding what the prior art shows or teaches. Although amendments have been made, no acquiescence or estoppel is or should be implied thereby. Any arguments in support of patentability and based on a portion of a claim should not be taken as founding patentability solely on the portion in question; rather, it is the combination of features or acts recited in a claim which distinguishes it over the prior art.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney, Andrew M. Douglas at (949) 721-7623 to resolve such issue(s) promptly.


Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: September 5, 2008

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